

Claims 1 to 33 were pending in the application at the time of examination. Claims 1 to 33 stand rejected as anticipated.

Claims 1 to 33 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,721,727, hereinafter referred to as Chau. Applicants respectfully traverse the anticipation rejection of Claim 1 in view of Chau.

To support an anticipation rejection, the MPEP requires:

TO ANTICIPATE A CLAIM, THE REFERENCE MUST TEACH EVERY ELEMENT OF THE CLAIM

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). . . . “The identical invention must be shown in as complete detail as is contained in the . . . claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim, but this is not an *ipsissimis verbis* test, i.e., identity of terminology is not required. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

MPEP §2131, 8th Ed., Rev. 2, p 2100-73 (May 2004).

The rejection itself demonstrates that Chau fails to show “The identical invention . . . in as complete detail as is contained in the . . . claim.” The Examiner stated in part:

A main table is created having a column for storing a document and it has one or more elements or attributes.

The elements and attributes recited in Claim 1 are not elements and attributes of a table as used in the rejection but rather are recited as:

a markup document containing a plurality of elements and a plurality of attributes

Further, the use of element and attribute by Chau contradicts the examiner's use of the terms. See the Table in the middle of Col. 10 of Chau. Chau differentiates between a "primary

key," a table, and an element or an attribute. Since Chau establishes the level of skill in the art, the Examiner is bound by the definitions provided by Chau and to the extent that the Examiner redefines terms in the rejection, it is but further evidence that the reference fails to show "The identical invention . . . in as complete detail as is contained in the . . . claim."

Moreover, the Examiner acknowledges that Chau teaches "a column for storing a document." Storing a document as a column in a table teaches that the elements and attributes of the document are also stored in the column, which teaches away from Applicants' invention as recited in Claim 1. Chau defines a column as a sub-element of a table.

Further, Chau stated:

Additionally, the embodiment of the invention stores XML document data in an application table, while storing particular elements or attributes in side tables. The data stored in the side tables is referred to as "metadata" and is used to search for elements or attributes in the XML documents stored as column data in the application table. During the enabling of a column which contains XML documents, side tables are created (based on the DAD) to store duplicate data of these elements or attributes. (Emphasis added).

Chau, Col. 16, lines 59 to 67.

The Examiner has cited no teaching that the side tables are differentiated in any particular way and Chau taught, as just quoted, that they store duplicate data for "particular elements". In contrast, Claim 1 recites:

storing an element record for every element of said plurality of elements in an element table of said relational database, wherein each element record includes a unique element ID, and an element data set; and

storing an attribute record for every attribute of said plurality of attributes in an attribute table of said relational database, wherein said attribute record comprises an attribute data set for one attribute and an

element ID of an element to which the one attribute is assigned

The Examiner has failed to cite any teaching of the specific tables recited in Claim 1 with the specific elements in each of the recited tables "in as complete detail as is contained in the . . . claim." Any one of these differences is sufficient to overcome the anticipation rejection. Applicants request reconsideration and withdrawal of the anticipation rejection of Claim 1.

Claims 2 to 11 depend from Claim 1 and so distinguish over the prior art for at least the same reasons as Claim 1 that were discussed above. Applicants request reconsideration and withdrawal of the anticipation rejection of each of Claims 2 to 11.

Each of independent Claims 12, 16, 26, and 30 stand rejected based upon substantially the same rationale as Claim 1. Each of these claims include language similar to that discussed above with respect to Claim 1 and so the remarks with respect to Claim 1 are applicable for each of these claims and is incorporated herein by reference with respect to each. Applicants request reconsideration and withdrawal of the anticipation rejection of each of Claims 12, 16, 26, and 30.

Claims 13 to 15 depend from Claim 12 and so distinguish over the prior art for at least the same reasons as Claim 12 that were discussed above. Applicants request reconsideration and withdrawal of the anticipation rejection of each of Claims 13 to 15.

Claims 17 to 25 depend from Claim 16 and so distinguish over the prior art for at least the same reasons as Claim 16 that were discussed above. Applicants request reconsideration and withdrawal of the anticipation rejection of each of Claims 17 to 25.

Claims 27 to 29 depend from Claim 26 and so distinguish over the prior art for at least the same reasons as Claim 26

that were discussed above. Applicants request reconsideration and withdrawal of the anticipation rejection of each of Claims 27 to 29.

Claims 31 to 33 depend from Claim 30 and so distinguish over the prior art for at least the same reasons as Claim 30 that were discussed above. Applicants request reconsideration and withdrawal of the anticipation rejection of each of Claims 31 to 33.

Claims 1 to 33 remain in the application. For the foregoing reasons, Applicant(s) respectfully request allowance of all pending claims. If the Examiner has any questions relating to the above, the Examiner is respectfully requested to telephone the undersigned Attorney for Applicant(s).

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on January 12, 2005.



Attorney for Applicant(s)

January 12, 2005
Date of Signature

Respectfully submitted,



Forrest Gunnison
Attorney for Applicant(s)
Reg. No. 32,899
Tel.: (831) 655-0880